

P26809.A04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s) : T.J. Dalton et al.

Docket No. P26809

Appln. No. : 10/604,181

Group Art Unit: 1756

Examiner: Christopher Young

Filed : June 30, 2003

Confirmation No. 1180

For : METHOD FOR DRY ETCHING PHOTOMASK MATERIAL

### TERMINAL DISCLAIMER

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop \_\_\_\_\_  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

Sir:

Your petitioner, **International Business Machines Corporation**, a corporation of the State of New York, whose business address is New Orchard Road, Armonk, NEW YORK, 10504, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on September 27, 2004 at Reel 015831, Frame 0664 of U.S. Application No. 10/604,181 for METHOD FOR DRY ETCHING PHOTOMASK MATERIAL.

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, **International Business Machines Corporation**, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent which issues from U.S. Patent Application No. 10/605,801, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which issues from United States Patent Application No. 10/605,801, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

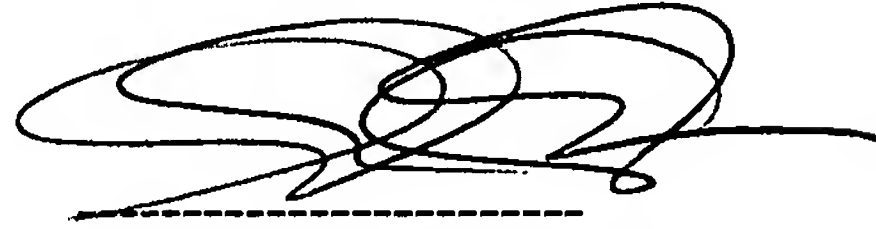
Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of any patent which issues from U.S. Patent Application No. 10/605,801 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section

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1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
T.J. Dalton, et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal dashed line.

Andrew M. Calderon  
38,093

July 21, 2005  
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